

REMARKS

Claim 1 is amended. Claim 38 has been added. Claims 4 - 15 and 20 - 37 have been cancelled. Claims 1-3, 16-19, and 38 are now pending. Claims 1 and 38 are in independent form.

The undersigned would like to thank the examiner for taking the time to speak with him regarding the objection to the claims.

Claims Rejections - 35 U.S.C. § 112

Claims 1-3, 6, 16-19, and 21 were objected to under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement.

In the office action it was stated that “Claim 1 recites ‘the connector is mounted to the top part of the elongated body only by way of the pair of sensors.’ Figures 10-11 show sensors, or load cells 22A/22B, disposed between the top part and connector, but also appear to show the sensors / rigid plates of figures 5-6 which utilize fasteners to assist connection of the connector to the top of elongated body (see figure 6).” The office action further states “In addition, Figure 11 appears to show a connecting aperture similar to those shown in Figure 6, which would allow for another part (not disclosed) to connect the elongated body and connector independent of the sensors, which appear to only be positioned therebetween.”

Claim 1 has been amended in order to now claim that the sensors are load sensors interposed between the connector and the elongated body and interconnecting the foregoing so as to measure the load on the connector. Furthermore, amended claim 1 now states that the side by side load sensors are in close proximity to one another and free of any load bearing element therebetween so as to support essentially the fully load on the connector and as to be deformed thereby as to provide for multidirectional movement of the connector relative to the elongated body thus sensing the load on the connector during movement in any direction.

Applicant contends that it is known in the art that load sensors (such as load cells) are deformable by the load thereon and as such measure this load. It is clearly shown in Figures 10

and 11 that the load cells are in close proximity with each other and free of any other load bearing elements therebetween.

Claim 38 recites the structure, that as shown in FIGS. 10 and 11, as claimed in a different form.

The drawings as filed with the application can provide support for the support for the amended claims.¹

Claims Rejections - 35 U.S.C. § 102

Claims 1 - 3, 6, 18, 19, and 21 were rejected in the office action under 35 USC §102(e) as being anticipated by Christensen (U.S. Patent Publication 2003/012353).

Claims Rejections - 35 U.S.C. § 103

Claims 16 and 17 were rejected in the office action under 35 USC §103(a) as being unpatentable over Christensen as applied to claim 1 and further in view of Tarjan et al (U.S. Patent No. 6,091,977).

While Christensen has “a pair of side by side sensors or load cells 254 interfaced with a controller” as stated in the office action, Christensen discloses a pivot point 270 that also connects the attachment plate 258 to the bracket.

It is clearly shown in Figures 10 and 11 that the load cells are in close proximity with each other and free of any other load bearing elements therebetween. In this way, and in contrast to the pivots shown in Christensen, it is the deformability of these side by side proximate load cells that provides for the movement between the connector and the elongated body. Since there is no other load bearing element between the load cells in the instant invention and since it is known in the art that load cells are both flexible and resilient (i.e. deformable), the load cells provide for the connector to move in multiple directions relative to the elongated body. In contrast, the pivots of the Christensen publication provide for only a bi-directional movement. Thus by removing any other load bearing element between the side by side proximate load cells, these load cells can measure the load on the connector during movement thereof in any direction.

¹ See *In re WOLFENSBERGER*, 302 F.2d 950 (C.C.P.A. 1962) and “matter not in the original specification, claims, or drawings is usually new matter. [Emphasis added] MPEP 608.04(a)

Therefore claim 1, as amended, is patentable over the cited art.

Finally, pending claims 2, 3, and 16 - 19 ultimately depend on claim 1 and as such are also patentable over the cited art. Claim 38 while an independent claim recites similar structure as claim 1.

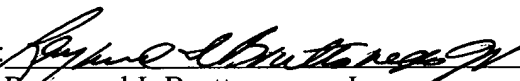
CONCLUSION

In conclusion, applicant submits that all pending claims are now in condition for allowance, and allowance is, therefore, respectfully requested. It is believed that the foregoing amendments and remarks fully comply with the office action and that the claims herein should now be allowable to applicant. Accordingly, reconsideration and allowance of claims 1-3, 16 - 19, and 38 is requested.

The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application. Please apply any charges not covered, or any credits, to Deposit Account 04-0932 (Reference Number 16616/83754).

Respectfully submitted,

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